MUNICIPAL DRY GOODS

How Reform Works in the Purchases of the Commission of Charities.

LOUIS STERNBACH'S PROFITS.

Light from the Grand Jury Room on the Price of Cloth.

WILL MR. GREEN EXPLAIN?

A Clerk Who Looks Too Closely Into City Accounts.

In spite of official wriggting the HEBALD has been able to let in some light on the sham economy of reform as practised at the expense of taxpayers in the Commission of Public Charities and Correction. A feeble and sleepy farce of investigation, went to roost in the pigeon holes of the Mayor's office, allowed many damaging facts to come to public notice through the columns of the HEBALD. Now it becomes possible to throw a full flood of light into the dark recesses of the snng office in Eleventh street, where the people's money is squandered by means of purchases of necessary articles for the use of the public institutions of the city at prices considerably advanced, it is alleged by relatives connections of some members of the Board. This time the Grand Jury room is the lens through which this glance of public scrutiny is cast into this system of fraud and official robbery. The statements given below are the sworn evidence of witnesses examined by the Grand In-quest. They show how the purchasing of dry ds was managed to the advantage of Louis Sternbach, who is said to be a connection of Commissioner Stern. Taxpayers will read these reve lations with interest. Perhaps they may also inquire who profit by the other branches of the vast archases which are requisite for the institutions under the charge of the Board.

The Testimony.

The Testimony.

Grand Jury Room, April 22, 1874.

TSSTIMONY OF JAMES BOWEN.

James Bowen, being duly sworn and examined by Mr. Stout and other Grand Jurors, testified:—
Question. We would like to know something about the workings of the institutions under your charge as Commissioner, something about the Supply Bureau—how it is constituted, what purchase clerks there are in it, and what agents there are for making purchases of supplies, and so on; what they receive, what they are paid, what they are for making purchases of supplies, and so on; what they receive, what they are paid, what they grow the purchases that he made, and whether you did not disapprove of them? Answer. The purchases for the department are made in this way; once a forting the head of each institution makes his requisitions for supplies for the coming forting the bead of cach institution makes his requisitions for supplies for the coming forting the burd articles as may be required; they are forwarded to the Board and are taken up, approved or disapproved in whose or in part; necessarily a large portion are approved; they are then assigned to the purchasing clerk, who has charge of making purchases for the department; I think his saiary is about \$3,000.

Q. What is his name? A. The name of the present purchaser is Goodkind.

Q. Is his name Moses? A. I do not know, sir; he has recently been appointed.

Q. How long ago? A. Since the first of January.

ent purchaser is Goodkind.
Q. Is his name Moses? A. I do not know, sir;
he has recently been appointed.
Q. How long ago? A. Since the first of January.
Prior to that time the purchasing clerk was a Mr.
Lampson, who was in office some eighteen months.
These requisitions are turned over to the purchasing clerk and he makes the purchases.
Q. Has any one else a right to make them. A.
Not except by order of the Board.
Q. Did the Board ever appoint Mr. Sternbach to
make purchases? A. No. There were many invoices, last year, of dry goods purchased.
Q. Purchased by Mr. Lampson? A. No, sir; not
by Mr. Lampson. The invoices came in to us
bought by Mr. Sternbach. The dry goods I found
in the early stage of this Commission. "Referred
to Mr. Stern." After the first or second reference
I discovered that Mr. Stern was purchasing, or
causing to be purchased, these goods. I protested
against I and acclined thereafter to sign any
requisition so shaped.

A. Whet is Mr. Sternbach's business? A. Ldo.

against it and declined thereas against the declined thereof against the series of the oard to Mr. Stern. Q. Did not that virtually give the consent of the

Board to such purchases? A. Yes, sir; a majority of the Board approved of it; but I protested against it on the ground that it would be injurious to the character of the commission and would

to the character of the commission and would affect Mr. Stern's reputation.

Q. Did you have any objection to the price paid for these articles? A. I believe there was objection on the part of the Comptroller's Office: I suppose on account of the exorbitant price.

Q. The requisitions for dry goods were checked by Commissioner Laimbeer? A. Mr. Laimbeer and Mr. Stern.

Q. How about Mr. Goodkind—I suppose the same gentlemen voted for Mr. Goodkind? A. They voted for him; I voted against him.

Q. Did you ever know or hear that Mr. Goodkind was foreman of the jury that acquitted Mr. A. Oakey Hall? A. I have heard so.

Q. Have you ever heard that he had trouble with the government with reserence to whiskey matters? A. No, sir, I think not.

Q. Have you ever heard that Mr. Stern has? A. I have heard intimations of that, sir, but nothing authentic.

authentic.

Q. You have not got samples with you of dry goods purchased, I presume? A. No, sir; I have not.

goods purchased, i presume? A. No, sir; I have not.

Q. Do you know, sir, that the prices paid for these goods were exorbitant? A. I had reason to believe that they were above the market price, massauch as after this had run along for some time! obtained samples in order to verily my own opinion. I obtained samples of many of the articles that had been purchased from this man sternbach, and addressed a communication to the firm of Test, Griswold & Co., requesting them to inform me what the market prices of these samples were on certain dates. This they did, and I found that the prices charged to us were larger than were the prices of the same description of goods on the same dates to others.

A proces of the same dates to others.

Q. Has sterrbach any place of business? A. I do not know.

Q. Did you ever hear that he was a son-in-law of Mr. Meyer Stern? A. I heard so; I protested two or three times against this in the Board; the son-in law said he was not a son-in-law; he was a prother of the son-in-law.

in law said he was not a son-in-law; he was a brother of the son-in-law.

Q. Do you know snything of Mr. Goodkind's antecedents? A. I do not, sir.

Q. You never heard that he had anything to do with the Barren Island distillery mill, broken up by the government, ostensibly has oil? A. Nothing specific at all.

Q. Does this memorandem concerning him suggest anything to your memory? A. I know of nothing except this; that some time ago something was said about a soap contract, and he said he could buy soap cheaper than the contract price; he said that he had been in the soap business.

What did Mr. Stern say when you protested? Q. What did Mr. Stern say when you protested.

A. He said it was impossible for one man to purchase ail the great variety of goods that were required for the department, and he suggested that there ought to be three or four purchasers; I was

opposed to it.

Q. You have had long experience? A. Yes, eight years. After I opposed that proposition he prolessed an intimate knowledge of dry goods, which I have no nouth he possesses; that he was in the dry goods trade, and in view of all that and his intimate acquaintance with that class of merchandise, Mr. Laimbeer was innuced to assign to him his whole subject. I think that his confidence, probably, was misplaced in this man's son-in-law. Q. And you think that he system now should be somewhat changed and aftered? A. I have no doubt that it is the wisest course to refer it to a salarted officer.

donot that it is the wisest course to roler it to a sur-arted officer.

Q. Is there any law on the subject of purchases?

A. No, str.

Q. There is no bylaw of the Board on that sub-pert? A. No, sir; but it has been the uniform practice to have a purchase diers, to whom was committed the trust of purchasing all the sup-plies, as broker, since I have been in the depar-tment, and never to instruct that derk where he

ent, and never to acquise to any cause? Q. Was Mr. Lampson removed for any cause? Q. Was Mr. Lampson removed for any cause? A Not to my knowledge; he appeared to me to ischarge his duties very well, and the best evicance of that was that the Comptroller, through its experts, never made any compaint; on the ontrary, I believe, he commended him.

Q. Was he removed or did he resign? A. He was contrary, I appear. ed in January.
n whose motion? A. I think he was removed

on Mr. Laimbeer's motion.

Q. How long ago were purchases made by Mr. Sternbach' A. This new Board was formed in May: I think purchases of dry goods were adopted

Q. Last June? A. Yes, Sir, and continued until the status of A. Yes, sir, and continued until elst of January; the dist requisitions that came after the first of January Mr. Laimbeer flad, as ual, referred the dry goods to Mr. Stern and unded them over to me for my approval; I said, ir. Laimbeer, you know that I cannot approve of ese, and you know my reason," and the matter

haid over; the next day or a day or two thereafter Mr. Stern took occasion to say that, if it was not agreeable to the Board, he should not cause these purchases to be made.

Q. Where is Mr. Sternbach's place of business?

A. I do not know.

Q. Was he a merchant? A. I do not know; he is a man or business, so I suppose; his billheads, I see, are printed.

a man of business, so I suppose; his billheads, I see, are printed.
Q. tie is not in the employ of this department?
Q. Mr. Goodkind receives sir. fr. Goodkind receives a salary of \$3,000? A. Q. Mr. Goodkind receives a salary of the control of his salary in the yes, sir.
Q. is he interested outside of his salary in the purchase of these supplies? A. I have not seen any evidence of it at all.
Q. Did yen tell Mr. Siern that these dry goods were purchased at twenty per cent less? A. Not

purchase of these supplies? A. I have not seen any evidence of it at all.

Q. Did yen tell Mr. Stern that these dry goods were purchased at twenty per cent less? A. Not individually.

Q. What reply did they make to that? A. I think Mr. Laimbeer made no reply, and I think Mr. Stern said that I was mistaken; the bills are approved and turned over to the Comptroller and they are paid after examination by him.

Q. And that approval is a formal routine approval. A. Yes, sir,

Q. What would you recommend in the purchase of supplies? A. That the purchase be appointed to one person, a paid agent; no check on that agent except the Comptroller's office, and the close examination of the Commissioners themselves; I think that would be the most judicious system.

TESTIMONY OF JAMES B. SHAW.

James B. Shaw, sworn, testified as follows:

Q. Mr. Shaw, sworn, testified as follows:

Q. Mr. Shaw, sworn, testified as follows:

Q. Mr. Shaw, sworn, testified as follows;

Green & Co., and which was bilied by him to the Department of Charities and Correction, and whether the Comptroller detailed you to look into the thing, and if you approved of disproved of it? A. I was assistant clerk in the Auditor's office, and it was my duty to overhaul these accounts that were handed in for payment to the Comptroller; this was in August of last year; this bill I have in my hand was Louis Sternbach's, involced by Sternbach to the Department of Charities and Correction in August, 1873; it was my duty to examine this bill and to inquire into it; I had some difficulty in finding samples; I went to the Department of Charities and Correction in August, 1873; it was my duty to examine this bill and to inquire into it; I had some difficulty in finding samples; I went to the Department of Charities and Correction inquiring for the samples of goods; samples were given me, but one party said they were the real? A. The party who cut up the cloth—the cutter; I do not know his name; I inquired into the value of the cloth and found it very much beliew what was

STERNSACH'S BILL FOR CLOTHS.

New York, August 8, 1873

Department of Charities and Correction, bought of
Louis Sternbach, commission rerechant, No. 36 church

Action | Total. \$736.90
The articles enumerated in this bill of Louis Significant, amounting to \$786.90, have been received and are for the exclusive use of the stock.

JOHN P. FLAGHLER,

R. K.

JOHN P. FLAGRICER.

S. K.

AUGUST 7, 1878.

Department of Charities and Correction, bought of Louis Sternbach & Co.:—

Three cases melton—

3.507. 624 yards

90. 614 yards

91. 625 yards—1,863 a 45c. \$838 46

Less 5 per cent. 41 92 Department of Charities and Correction, bougat of three cases methon—

...... \$796 23 Total Receipt similar to above. Department of Charities and Correction, bought of

Total. \$805 09
Receipt similar to above. Department of Charities and Correction, bought of cours sternbach & Co.;—
Three cases melton. Louis Sternbach & Co. —
Three cases melton—
3—3.095. — 620 yards
96 — 612 yards
97 — 697 yards—1,630% at 45c ... \$688 61
97 — 34 43

Receipt same as above.

City and County of New Fork, ss. —Louis Sternbach, being duly sworn, deposes and says that he is the claimant named in the annexed bil against the Mayor, Aldermen and Commonalty of New York for supplies, as per voucher account 22.144, amounting to \$3.547 M, and that the prices of the goods and articles therein charged are reasonable and proper and not more than their cash value in open market at the date of their sale; that, of hisown knowledge, the articles were purchased for the Department of Charlies and Correction in and for the city of New York, and that no payment or assignment has been made of said claim or any part thereof.

Subscribed and sworn before me this 7th day of October, 1873.

Charles Clark, Commissioner of Deeds.

CHARLES CLARE. Commissioner of Deeds.

[A.1]

GREET REPENSE SCHEDELE.

The Mayor, Adderman and Commonalty
New York to Louis Sternbach & Co. :—
1873.—For Melton—
August 4. as per general bill.

August 5. as per general bill.

August 6. as per general bill.

August 7. as per general bill.

August 8. as per general bill.

August 8. as per general bill.

are reasonable.

HE GETS THE MONEY.

DEPARTMENT OF FINANCE,

AUDITING BURGAL, Oct. 2, 1873.

I certify that the cabital and interest account of Louis
Sternbach was examined, audited, allowed and settled
at the sum of \$3.847.94. My reasons for the allowance
thereof are that the supplies were necessary, were furnished on proper authority, and that the prices are
reasonable and just.

ABRAHAM L. EARLE.

Auditor of Accounts.

Auditor of Accounts, New York, Oct. 7, 1873. Received of Andrew H. Green, the Comptroller's war-rant 22,144 for the sum of \$3,847 94, in full payment of the above account.

Q. Will you kindly tell us what made Mr. Green pay these bills, if you know? A. Well, I don't know what made him pay them, except that they ware presented, and the Commissioner's affiday accompanied them, and they were put in proper

Did Mr. Sternbach ever go to Mr. Green and him to pay them? A. He several times came thin to pay them? A. He several times came the Auditor. 2. So that the bills were hung up some time? Q. So that the bills were hung up some time?
A. They were hung up for some time.
Q. In some way after that you found your post-tion changed? A. Yes.
Q. You pronounce these bills to be exorbitant?

A. 1 do. o. Will you state to the jury if that is the sample given to you? A. That is one of the samples that was given to me. q. That is the sample of the goods sold? A. Yes,

Q. That is the sample of the goods sold? A. Yes, sir.
Q. How long did these goods wear ordinarily in whiter weather, taking into consideration the wear and tear of ordinary life? A. About hair the winter, I suppose.
Q. Not more? A. No.
Q. Is this the piece you got at the office of the Commissioners? A. No, sir.
Q. Where did you get that piece? A. I got that piece from Mr. Louis Sternbach.
Q. This is the piece you say is better than the other? A. Much better than the actual sample.
Q. What do you consider the real value of the goods sold to the Department of Charities and Correction? A. Thirty-five cents.
Q. And they were charged lorty-five cents? A. Yes; they are three-quarter goods.
Q. Who was your successor? A. I don't know whether I have a successor.
Q. Was your salary reduced or increased by the

Q. Who was your successor? A. I don't know whether I have a successor.
Q. Was your salary reduced or increased by the change? A. Here was no change in the salary atthemption of the salary attention of the salar

linens.
Q. What has become of the sample you got at the offices of the Commissioners? A. I gave it into the office; I could not find it afterwards.
Q. How do you fix it at thirty-five cents? A. Because when I went to see the price I saw similar goods to the sample offered me at thirty-five cents.
Q. Had not the price failer? A. This was bought in Augus.

bought in Augus.

Q. When did you make the entry † A. The bills were in in August, and it was all done before I went for the hondays.

William P. Lampson, being duly sworn, testifies as follows:—
Q. You were the purchasing agent for the Department of Charities and Correction? A. Yes.
Q. When were you appointed and when did you leave the department? A. On the 1st of January, 1873.
Q. Have you a list of the articles purchased from Mr. Sternbach, and, usually, the prices the articles could bring il bought from reputable houses? State what you know as to the prices. A. There is one article—4,000 yards of Melton cloth—which he charged to the department at forty-five cents a yard; for which, I believe, he only paid thirty-five cents a yard; the party from whom he received the goods has only paid thirty-five cents.
Q. Have you seen the party? A. I have seen the party myselt; his name is Fletcher, a clerk to the firm of McIntosh, Green & Co.
Q. He made the sale and the seller confirmed it?
A. Yes; the various articles of thread he charged the department eighty-five cents a dozen; he only asked eighty-two cents a dozen by the single dozen; these goods were bought by Mr. Sternbach, and he had the bills in his own name as a commission merchant.
Q. He had been long in the business as a com-

and he had the bills in his own name as a commission merchant? Q. He had been long in the business as a commission merchant? A. do not know what his business had been; I know he has been buying goods for the California trade.

Q. Were you allowed to buy dry goods as well as everything else on requisition? A. Not after the reform. everything else on requisition? A. Not after reform.
Q. I suppose the reform seemed to be rather odd? A. Well, it did.
Q. What was the cause of your leaving the department? A. They gave us no reason, sir.
Q. You were dismissed? A. Yes, sir, on the 3d day of December I was informed that my services would not be required.
Q. Aiter having served one year? A. Yes, sir.
Q. You had no previous notification? A. No, sir.
Q. Neither of the commissioners let you know be ore nand that your services were not wanted?
A. No.

A. No.

Q. Did Mr. Bowen wish to retain you? A. I suppose ne voted "No" on the question whether I should be discharged; the purchasing clerks buy wherever they can buy best; there were a great many small items we were obliged to buy on com-

mission.

Q. Do you think he gets a commission from the department? A. His business, I understand, is to buy goods for a Calliornia house and to receive a commission for buying those goods.

Q. Do you know whether the department ever part him a commission? A. No, sir, I don't suppose the department ever paid him a commission; he got the goods at ten cents a yard chearer and transferred the goods from his own name to the department.

Q. Whereas the department could have bought them for thirty-five cents the same day. A. Yes.

department.
Q. Whereas the department could have bought them for thirty-five cents the same day. A. Yes.
Q. Is Mr. Sternbach any relation to Mr. Meyer Stern? A. I understood he was a son-in-law or his son-in-law's brother; he is a relation.
Q. Was there any objection made to your purchasing? A. They generally made an objection to my not purchasing. Q. And that the prices were too high? A. No,

Q. All that the sixty of the written invoice write over it "Commissioners?" A. The invoice was sent with the goods to the storekeeper at Blackwell's Island. Q. Are you a judge of the qualities of cloth? A. Weil, I presume there are a good

Q. Are you a judge of the quanties of count? M. Weil, I presume there are a good many better judges; I would bring samples to the office and let the Commissioners examine them themselves; I would not take the responsibility without having consulted with the Commissioners; that was all considerable through it.

consulted with the Commissioners; that was all changed by "reform."

TESTIMONY OF C. H. WHEELER.

C. H. Wheeler sworn. testified as follows:—
Q. Won't you tell the Grand Jury when you made Mr. Sternbach's acquaintance, and how?

A. It was in the early part of August, 1873; he came into the store to look after certain siyles of goods; I cut him samples; after retaining them three or four days he came back; we made a trade for 9,000 yards of Melton goods.
Q. At what price? A. The goods were sold to Mr. Sternbach on the 7th of August, as follows:—

August 11.—Ten pieces Oxford salts, 397 at 33 cents. \$104.04

\$2,992 84

Q. Did he ask you for any further discounts? A. Yes, sir; in the course of trace; I finally agreed to allow him on settlement an extra per centage of two per cent, but it was as much as the price of the goods; we virtually sold the goods seven off at thirty days; my usual terms were five off at thirty days; my usual terms were five off at It was the market price of the goods? A.

Q. When you delivered the goods, they were delivered to Mr. Sternbach? A. Yes, air, in Church street.

dehvered to Mr. Sternbach? A. Yes, sir, in Church street.

Q. Did you ever hear of him before as a commission merchant? A. I never did; when he purchased the goods he came to my store; he gave me references the same as anybody would do.

Q. Did you understand in any way, or had you any reason to believe that the goods were for the Commissioners of Charittes and Correction, or for the city? A. I had not in the least; I do not know but I might have asked him, but I do not recollect the answer he made; I understood from him that they were going to California.

Q. What is your firm? A. McIntosh, Green & Co.

Q. Did Mr. Sternbach ever ask you to invoice them differently than in his individual name?

A. No, Sir.

Q. After the 1st of September did the value of Q. After the 1st of September did the value of such goods increase or decrease, before or during the panic, as a saiable value? A. We never sold them less than thirty-five cents a yard. We had sold them at thirty-seven and a half cents.

Q. Are you exclusive agent for these goods in the city? A. Yes, sir.

Q. You would have sold them to anybody at the same price? A. Yes, sir, on the same day.

Q. Would you recognize a sample of the goods, a cloth similar to it? A. I have a sample in my pocket (producing it); they are Oxfora goods.

Q. What price do Jobbers sell these goods for? A. They sell these goods on advance for two and a half to five cents on the yard.

Q. For a lot as large as this they would not charge over two and a half cents? No, sir.

TESTIMONY OF THE STOREREFER.

John E. Flaghler sworm, testified:—

Q. You are storekeeper at Blackwell's Island?

A. Yes, sir, and I have charge of the supplies furnished for that island; I am general storekeeper in the Department of Charities and Correction.

Q. Would it come in your way to examine the dry goods that have been received? A. Yes, sir; most of them.

Q. You recollect the invoice of Melton cloth, amounting to about \$900 or thereabouts, in August? A. Yes, sir; approximating to that amount.

Q. They were bought by Mr. Louis Sternoach?

A. Not that I am aware ol.

Q. How did they wear? A. Moderately well.

Q. Pretty poority? A. Well, moderately well, or enough to good standard woohen goods; but, in some instances, they answered very well.

Q. Will you tell me what stocks and supplies you constantly kept on hand; for instance, did you always have enough soap for two weeks on hand?

A. It is the practice in the department to keep enough for two weeks or two months.

Q. Did you ever not have enough cloth for one day? A. Not without a substitute.

Q. Had you aiways had plenty of sugar on hand?

A. When I have not I have molasses.

Q. Was there not a compaint from the Charity Hospital, so called, that there was not sugar there? A. I think there was.

Q. Why was n

They ran entirely out, and the hospital was inout that article for several weeks, if not for a onth? A. Not so much as that; I think the time cy were really out would cover the space of

they were really out would cover the space of twenty-lour hours.

Q. Are you quite sure of that? A. I think the booss will bear me out in this thing.

Q. How long were you out of soan in Bellevue hospital? A. I was not aware that soap was out at any one time until I saw it in the public prints.

Q. You have seen the report of the Medical Board? A. No. sir.

CITY TREASURY.

Comptroller Green reports the following dis-bursements and receipts of the Treasury yester-

The state of the s	NEW COLOR
day:-	
DISBURSEMENTS.	
No of Warrante	Amount.
	\$111,490
Claims pastir	23,055
Payrons paid	23,000
	400000
	\$135,365
From arrears of taxes and interest	\$22,725
From collection of assessments and interest	0.025
From Clerk of Superior Court, from fees	242
Lidili 1669 with winest a new research countries countries	
many and the second sec	
10181	\$10.000
The Comptroller, through Paymaster Faits	naid
	Payroits paid. You of Warrants. Payroits paid. Totals

The Comptroller, through Paymaster Fails, paid, during the past week, haborers on "big pipes," at pipe yard, on repairs to stopcocks and on docks, up to the list inst.; total, \$22,210.

The payrolls of the Dock Department were not received until the evening of Friday, 5th inst.

San Francisco, June 6, 1874. A despatch from Prescott, Arizona, says the Apache Chief Cochise is very ill and is not expected to recover. He imagines that the spirits of the white men murdered by him are tearing his desh.

TESTIMONY OF WILLIAM P. LAMPSON.

THE MAYOR AND THE HARLEM RAILROAD.

Mr. Simon Sterne's Opinion as to the City's Liability for the Fourth Avenue Improvement.

The following correspondence between Mayor Havemeyer and Mr. Simon Sterne has been for-

warded for publication :warded for publication:

EXECUTIVE DBFARTMENT, CITT HALL ?

NEW YORK, May 19, 1974.

MY DRAM SIM-I have for some time past had doubts whether the bill requiring the city to pay one-half the expense of the Harrien Railroad Fourth avenue tunne in the expense of the Harrien Railroad Fourth avenue tunnel reasonable exercise of legislative power that could compet the city to appropriate any portion of its funds to a private corporation, the pecuniary benefits of which were to inure to the latter, and in which the city had no share.

To Simon Streng, Esq.

29, 61 Wall Streng (Brown Brog. Building),
New York, June 1, 1874.

Draw Sim—In compliance with your wishes I have submitted chapter 702 of the Laws of 1872, entitled "An act
to improve and regulate the use of Fourth avenue, in
the city of New York," to an examination as to the constructurality of its provisions. This examination has

that as it may, however, it was certainly within the province of the Legislature to do this and without compensation.

Section I of chapter 702 provides for the regulating of the grade of the ratiway, the building of viaduets foot and road bridges, the construction of a tunnel or tunnels and the manner in which they are to be built and constructed, and the location thereof from Forty-fifth to ISIst street.

Section 2 provides that during the progress of the work, the company is authorized to lay additional tracks of a temporary character, and also embodies what, in the consideration of this question, becomes an important element, an authority to lay down permanently two additional tracks on said avenue as may be required for such additional tracks with landings for the entrance and delivery of passengers outside of the excevations and viaduets."

This, I understand, the railway is now doing, and the cost of the so-called improvement is considerably enhanced, perhaps doubled, by the carrying out of this additional franchise thus granted to this corporation, and the building of such railway.

Section 3 authorizes a change of grade of streets when necessary and is unimportant to this inquiry.

Section 5 relates to the altering and removing of Croton water pipes, sweers and gas pipes, if such should become necessary by reason of the exacations.

Section 6 creates a board of engineers names them.

should become necessary by reason of the excava-tions.
Section 6 creates a board of engineers, names them.
Provides that they shall make plans and specifications, file a copy with the Comptroller and take an oath of office.

Section 6 creates a board of engineers, names them, provides that they shall make plans and specifications, flie a copy with the Comptroller and take an oath of control of the company of the company of the company of the company of the company, and the Mayor, Aidermen and Commonalty of the city of New York in equal proportion, as the construction of the said improvement propresses. The same section then proceeds to specify in detail the manner in which the haif to be paid by the city in detail the manner in which the haif to be paid by the city is to be paid, and that "the city warrant is to be drawn in favor of the treasurer of said railroad company." This section, clearly and unequivocaily, if it is in the power of the Legislature to do such an act, umoses upon the city the charge or one-half the cost of this railway enterprise.

Section 8 provides for the laying of a tax of one-fourth of the whole estimated expense and cost upon the real and personal property subject to tax atom in the city and county of New York in the year. The same section further proceeds an attachation of the tax, and to pay out the proceeds to this railway corporation.

Section 9 inhibits the Mayor. Aidermen and Commonalty from intertering with the use of the said Fourth avenue, above Forty-second street, by such railway corporation, and contains a legislative transfer to the railway corporation, and contains a legislative transfer to the railway corporation of all the property and value created by this joint expense, as follows:—"Said tunnel and railways shall be exclusively for the uses and purposes of said railway company, and it shall not be lawful for any persons other than a public officer in the execution of his duty as such, with his agents and assistants, to enter or pass upon or through the same, or any portion thereof, on tool or any other way than in the proper cars of this corporation provisions to accomplish that end. It and the property of the content of the property of the property of the property of the importance of t

the city and of the expense or this so-called improve-ment, but in reality abating of a nulsance and building of a private enterprise and levying of a tax upon the property of the clizens of New York for such purpose to the palpathy and recommendation of the constitution. These elements of the act are to be examined in the light of the following provisions of our organic law, citing them inversely in the order of their weight upon my ludgment:—

be paipably and grossly in violation or the constitution of the State of New York.

These elements of the act are to be examined in the light of the following provisions of our organic law, citing them inversely in the order of their weight upon my jugment:—the following provisions of our organic law, citing them inversely in the order of their weight upon my jugment:—following the following them in the order of their weight upon my jugment:—following them in the order of their weight upon my jugment or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journals, and three-fiths of all the members elected to either house shull in all such cases be necessary to constitute a quorum thereon.

Section 18, article 1—Every law with imposes, continues or routed to any other law of fix such tax or object.

Section 18, article 1—Every law of in the work tax the tax and the such cases of the such tax or object.

Section 18, article 1—The assent of two-thirds of the members cleeted to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

Section 9, article 1—The assent of two-thirds of the members cleeted to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

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The constitution of the Legislature shall be requisite to every bill appropriating the laws, compiled which so far as the quorum is concerned, and I am dispered to a summer that the year and mays were taken and entered pursuant to the constitution. But the fact that it is certified as a three fifth bill indicates, at an event,

applies by the fact that it is undoubtedly a local act, and at such is subject to this provision.

First—Is the object expressed in the title? The framers of the constitution meant to reach and effect substantial taings and cure real evils in each one of the provisions of the instrument, and this section relating to title was framed to reach the special evil of snoughing through measures under false pretences. Therefore it constantly occurred that so-called "riders" to general laws effected important private and local objects, and rice erra. Piratical legislative crafts sailing under talse colors. The tritle to a till is the hag by which it is to be known, and its characters should be so clear that any lay person or regislator reading it would understand to what subsect it relates and what is intended to be a complished by it. This act is entitled "An sot to improve and regulate the use of Fourth avenue in the city of new York." Now, in so far as this act is a constitutional exercise of the legislative power, its object is properly expressed in the title. It states the nuisance of the use to which the Fourth avenue had been theretolore put, and provides for the building of a tunnel through and a viaduct over it, and therefore may be said both to "improve and to regulate the use of the Fourth avenue in the city of New York." But is the fact expressed in the title that there is involved in the bill the levy of a tax of almost \$4.50,000 upon the citizens of New York and a transfe of all the value canaded by the

valuable franchise to a private corporation such as is contained in the second section, and half of the expense of the building of such new railway line is to be borne by the critizens of New York, without participation in the profits thereof? Any legislator, on looking on the profits thereof? Any legislator, on looking naturally, unstantially and the profits thereoff of the such as a suppose when the such as guard by the grading, guttering and baving of a public authorize the grading, gutering and baving of a public authorize the grading gutering and baving of a public authorize the grading gutering and baving of a public authorize the public benefit, and nothing more. The flagrations and extraordinary exercise of power thereby attempted he would not and could not suspect from its title, and as the constitution intended that he shall not thus be deceived, this bill is clearly obnoxious on that ground alone.

If this bill is properly entitled the Legislature can charter a private corporation to build a railroad and equip it, from Montauk Point to the St. Lawrence, and authorize the levy of a tax upon the people of the State, to be paid in "warrants to the order of the treasurer of such railway," to bay the expense thereo, under the title of "An act to improve and regulate the use of certain strips of land between the Long Island Sound and the St. Lawrence River," It is clear, therefore, that the gubject of this bill is not expressed in its title.

**Recond-Dees it contain more than one subject: It contains three distinct subjects. Except that they all unite in benefiting the railroad corporation they have no necessary relation with each other.

Subject No. 2, the granting of a tranchise of great value to the Hariem Railroad.

There can, therefore, be no doubt but that the sixteenth flagrantly violated by the act under examination.

A still more intal objection to the act in question is its violation of the ninth section of the first article of the constitution.

"The assent of two-thirds of the members elected

violation of the ninth section of the members elected to constitution.

"The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public moneys or property for local or private purposes." This bill was not passed by a two-thirds vote, and it is incumbent upon us now to examine whether the act in question is an appropriation of public moneys for local or private purposes.

crated.

or New York and to be thus dedicated to the Harlem Railroad 'public money' in the sense in which these words
are used in the constitution! Public money is money
which fows to the State as revenue from its public works,
or which is raised by the exercise of the sovercian
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the supreme power which is the badge of sovercignty,
and there are cases in our own court of last resort
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authority and legislative authority only. Taxation is
the supreme power which is the badge of sovercignty,
and there are cases in our own court of last resort
which are raised by taxation in one
locality to be expended for the beneat of a locality
in another part of the state. It is not the mere formality
that the Comptroller of the city instead of the State
Comptroller has been selected to disburse this money,
which creates the distinction between public and private
treasury on which the draft was drawn. In the recent
case of the United States was Railroad Company, if
Wallace 322, the United States was Railroad Company, if
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of itsil, as part of section 3 article 7, mean substantial
things and not mere forms in framiny it, and did not and
could not intend to have it evaded by the tran

To Hon. WILLIAM F. HAVEMEYER, Mayor of the city.

NEW YORK CITY.

The police made 1,881 arrests during the past There were 489 deaths, 615 births, 230 marriages

and 44 still births in the city last week. Rev. Eugene Sneehy will deliver a lecture at

Perrero's Assembly Rooms, Tammany Building, During the months of July, August and Septemtember the reading room attached to the Mercantile Library will be closed on Sundays.

Luke Coleman, a fireman attached to No. 4 Hook and Ladder Company, fell from the second story window to the sidewalk yesterday and was seriously injured.

John Knapp, driver of Fire Engine No. 9, was

thrown from his seat yesterday to the pavement and badly injured. The engine was on its way to a fire at the time. The payment of pensions for the past three days

by Mr. Dutcher numbers 2,500 vouchers, and show the disbursement of \$50,000. About 5,200 remain to be paid this week. The Reform Association has opened a home for respectable aged women at the northeast corner of Thirty-third street and Lexington avenue. Prot-estants of all denominations are admitted.

Comptroller Green states that e Board f Apportionment will doubtless make the usual appropriation for the celebration of the Fourth of July, under the auspices of the Department of Public

A strawberry festival and fancy fair will be held at the New York Foundling Asylum, on Sixty-ninth street and Lexington avenue, on Tuesday, Wednesday and Thursday next. This very valuable institution is greatly in need of funds, and this will be a very pleasant way of contributing to the sustemance of a worthy charity.

The closing reception of the Cooper Union Literary Class was held last evening in the great hall of the Institute. Quite a large audience was present, among others on the platform being the venerable Peter Cooper, who was received on his appearance with applianse. The exercises were opened with an appropriate address by the Presient of the class, Mr. James Fitzgeraid, after which a recitation, "Go It," was given by G. G. Ogden. Then followed an oration on "The Rights of Women," by Benno Loewy, Li., E.; an oration on "Freedom," by W. S. Gray; a solo from the "Corsaro," by Miss J. Palmer; a reading, "Mona Water," by Miss Lettle Blume; oration on "Confectionery," by Bavid Legare; a solo, "The Mikmain's Marriage," by Mrs. H. Louise Franklin; another oration by Henry Grasse; a reading, "The Engineer's Story," by Professor J. E. Frobisner; "The Venzano Valse," by Miss J. Palmer, and a recitation of "Emmet's Dying Speech," by M. J. O'Connell. The programme was excellently gone through with, all of those engaged being volunteers. Mr. Frobisher's rendering & "The Engineer's Story" was very fine and was specially well received by the antience. venerable Peter Cooper, who was received on his

BROOKLYN.

There were 489 persons arrested by the police The Common Council will for the future meet at

two o'clock on Mondays and adjourn at six.

Tax receipts during the week were \$41,437 55. The water tax received during the same period was \$55,148. The County Treasurer yesterday paid to the

State Treasurer the balance of the tax levied on Kings county for the year 1873, amounting to \$158,819. The Coroner was notified yesterday to hold an

inquest over the body of Ann Vass, twenty-five years of age, who died suddenly at her resi

The Kings County Board of Assessors met yesterday, and resolved that hereafter no minister of the Gospel who is without ministerial charge shall be allowed any exemption from taxation.

The Fair which has been in progress at Sawyer's Hall, corner of Jay and Fulton streets, for the past two weeks, in aid of St. Andrew's church, Sag Harbor, L. L. will close to-morrow evening. Miss Teresa Estmond will read selections from favorize authors.

a fire at her home, No. 364 Hicks street, on Friday evening, died from the effects of her injuries at the Long Island College Hospital yesterday morn-ing. Deceased was sixty-nine years of age. The Coroner was notified.

Mr. William Hunter, brother of the Mayor, died at his family residence, on Pierrepont street, on Priday night. Deceased, who was at one time Alderman of the Fourth ward, and was one of the first directors of the Bridge Company, was gen-erally respected in Brooklyn.

The Young Men's Catholic Library Association of the Church of Our Lady of Mercy has recently club room as a resort for its members. The so-ciety is officered as follows: —President, James F. Kenney; Vice President, John J. Pitzpatrick; Treasurer, Rev. James McElroy; Recording Secre-tary, James Begley; Corresponding Secretary, John P. Wheelan; Financial Secretary, Walter J. Caddle, opened a nicely appointed private billiard and

WESTCHESTER COUNTY.

Right Rev. Bishop Potter administered the cerenony of confirmation to nine postulants at Christ shurch, Tarrytown, on Friday evening.

There is general rejoicing among the retail liquor dealers over the alleged illegal appointment of the new Board of Excise Commissioners for the county. The act from which sprung the official existence of the Commissioners reads that they shall be appointed "on the second Tuesday of may next." while the act itself did not become a law until May 6 of the present year. Thus the anti-temperance fraternity hold that any proceedings of the Board must be null and void until May 2, 1875.

Numerous and well grounded complaints are and West Farms in regard to the excessively high and west farms in regard to the excessively high rates of fare charged on the street cars of the Harlem Bridge and Fordham Railway Company. Now that the territory indicated has been annexed to the city, the suffering ones are looking forward for relief to the municipal authorities, who, they assert, have (or should have) the right to regulate such lares within the corporation limits.

The Mayor and Common Council of Yonkers are at present endeavoring to devise some scheme wherewith to break up a coalition formed some time since by the owners of itinerant goats, for the purpose of defeating a city ordinance relative to the impounding of those marauding animals. It appears that those who keep goats allow them to roam at will, and when the quadrupeds have been impounded for a certain time the owners allow them to be publicly sold, buying them in them-seives for twenty-five cents, an understanding ex-isting between them that they are not to bid against each other. time since by the owners of itinerant goats, for

NEW JERSEY.

There are seventy-three boys and forty-five girls now inmates of the Hudson County Almshouse at Snake Hill.

The body of John Denham, a Newark suicide, has been recovered, fished from the Passaic River. The funeral took place yesterday afternoon.

A fire broke out in Mercer Hall building, Princeton, yesterday, involving a loss of \$5,000. The building was almost entirely destroyed. The foss is covered fully by insurance. A motion for the restoration of corporal punish-

ment in the public schools of Trenton was made

by Mr. Ellis at a late meeting of the Board of School Trustees of that city and was referred to the Committee on Discipline. The examination in the case of Garretson, who claims to have been elected Freeholder in the

Pirst district of Jersey City, took place yesterday in the office of J. W. Romaine. The testimony against the judges and clerk of election was most damaging. Albert Charlemagne, shot himself through the back of the head, killing himself instantly, on Friday. He was a captain during the late war and lost a leg in the Union service. He was insane for a long time prior to his death.

Mayor Traphagen, of Jersey City, will make a tour of inspection of all the public schools next week, in order to ascertain the efficiency of the system and the cost of maintaining it. He will then visit the parochial and independent schools, so that a comparison can be established.

Yesterday Judge Depue, on application of the Morris and Essex Railroad Company, appointed of Morristown, and James L. Ogden, of Hudson county, as commissioners to condemn and needed in the construction of the new tunnel through Bergen Hill. Messrs. J. H. Halsey, of Newark; J. W. E

Articles of association were filed in the office of the Secretary of State yesterday for the construction of a new freight railroad, fifty-seven miles in length, extending through Union, Somerset and Hunterdon countles. The capital is fixed at \$1,000,000, of which Mr. J. M. Nash, of Brooklyn,

The Elizabeth avenue Methodist Episcopal church is grieving over between \$400 and \$500, the results of Sunday collections, which it is alleged have been carried off by one J. C. Francklyn, in whom, after apparent conversion, the pastor and others placed confidence. He held the funds. They and he are missing.

In consequence of the difficulty of reaching the public institutions of Hudson county at Snake Hill, and the refesal of the Board of Freeholders to allow carriage bire, it is now proposed by the free-holders to establish a stage route between the Five Corners and Snake Hall, under the direction and management of the Board.

and inhumanly thrown into a cell—where he died— by police officers, in the Fourth precinct of Jersey City, intend to bring the case before the Gran Jury, as the Police Commissioners adopted whitewashing report. This was one of the greates outrages ever perpetrated in Jersey City. Yesterday was sentence day in the Mercer County Courts. A scoundrel, named Charles H. Meiferth,

who had attempted to commit an outrage on a

little girl of ten years, was sent to the State Prison for five years. A youth of seventeen, named John Kane, convicted of mansianghter in having stabbed and killed a boy companion, was sentenced The Newark City Fathers have resolved to do away with the oration business on the "Fourth," and to let all their patriotism coze out in fireworks

and a street parade. The cause for abolishing the oration is that speakers have used the occasion of late years for partisan political purposes. This was shamefully the case when General Thomas N. Van Buren was the "orator." in Newark, on Friday evening, a policeman named Miller acted in such a manner while quieting a triffing excitement, that Mr. Bernard O'Connell, an old and respected citizen, declared O'Conneil, an old and respected citizen, declared openiy he thought the officer drunk. The officer invited Mr. O'Conneil to go and make a charge to that effect, Mr. O'Conneil did so; but on reaching the station house was himself, on complaint of the officer, placed in duress on the charge of interfering, and compelled to give bail to escape being consigned to a cell for the night. The occurrence has exerted interse Indignation in the Tweifth ward, where Mr. O'Conneil resides.

been made in Newark against Mrs. Catherine Ringer, of No. 283 Halsey street. It is said that she caused the death of a young girl named she caused the death of a young girl named Paulina Heiser by violently assaulting her while she (Paulina) was sick with the smallpox. The examination took place yesterday in the Police Court. Mrs. Heiser, mother of Paulina, swore that the assault was committed two weeks ago and that the girl died a week afterwards. She was in the room with her daughter when Mrs. Ringer burst in and struck the sick girl. Witness was also assaulted, and cried out, "Murder!" Dr. Max Kuebier, who attended the sick girl, swore that he saw the patient the morning of the assault, just before it took place. She was then rapidly convalescing. Next day after the beating she was much worse. She grew worse until she died. The doctor granted a burial certificate setting forth that death was caused by small-pox. He admitted, though, that he believed the beating had considerable to do with the death. Mrs. Ringer was held for the action of the Grand Jury.